

THE MOUNTAINAIR INDEPENDENT

VOL. I

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NO. 15

640-ACRE HOMESTEAD ACT

Adopted by Congress December 22, and Signed by the President December 29

An act to provide for stock-raising homesteads, and for other purposes.

Be it enacted by the senate and house of representatives of the United States of America in congress assembled, that from and after the passage of this act it shall be lawful for any person qualified to make entry under the homestead laws of the United States to make a stock-raising homestead entry for not exceeding 640 acres of unappropriated unreserved public land in reasonably compact form: Provided, however, that the land so entered shall theretofore have been designated by the secretary of the interior as "stock-raising lands."

Section 2. That the secretary of the interior is hereby authorized, on application or otherwise, to designate as stock-raising lands subject to entry under this act lands the surface of which is, in his opinion, chiefly valuable for grazing and raising forage crops, do not contain merchantable timber are not susceptible of irrigation from any known source of water supply, and are of such character that 640 acres are reasonably required for the support of a family: Provided, that where any person qualified to make original or additional entry under the provisions of this act shall make application to enter any unappropriated public land which has not been designated as subject to entry (provided said application is accompanied and supported by properly corroborated affidavit of the applicant, in duplicate, showing prima facie that the land applied for is of the character contemplated by this act), such application, together with the regular fees and commissions, shall be received by the register and receiver of the land district in which said land is located and suspended until it shall have been determined by the secretary of the interior whether said land is actually of that character. That during such suspension the land described in the application shall not be disposed of; and if the said land shall be designated under this act, then such application shall be allowed; otherwise it shall be rejected, subject to appeal, but no right to occupy such lands shall be acquired by reason of said application until said lands have been designated as stock-raising lands.

Section 3. That any qualified homestead entryman may make entry under the homestead laws of lands so designated by the secretary of the interior, according to legal subdivisions, in areas not exceeding 640 acres, and in compact form so far as may be subject to the provisions of this act, and secure title thereto by compliance with the terms of the homestead laws: Provided, that a former homestead entry of land of the character described in section two hereof shall not be a bar to the entry of a tract within a radius of twenty miles from such former entry under the provisions of this act, subject to the requirements of law as to residence and improvements, which together with the former entry, shall not exceed 640 acres: Provided further, that the entryman shall be required to enter all contiguous areas of the character herein described open to entry prior to the entry of any non-contiguous land: Provided further, that instead of cultivation as required by the homestead laws the entryman shall be required to make permanent improvements upon the land entered before final proof is submitted tending to increase the value of the same for stock-raising purposes, of the value of not less than \$1.25 per acre, and at least one-half of such improvements shall be placed upon the land within three years after the date of entry thereof.

Section 4. That any homestead entryman of lands of the character, hereinafter described, who has not submitted

final proof upon his existing entry, shall have the right to enter, subject to the provisions of this act, such amount of contiguous lands designated for entry under the provisions of this act as shall not, together with the amount embraced in his original entry, exceed 640 acres, and residence upon the original entry shall be credited on both entries, but improvements must be made on the additional entry equal to \$1.25 for each acre thereof.

Section 5. That persons who have submitted final proof upon, or received patent for, land of the character herein described under the homestead laws, and who own and reside upon the land so acquired, may, subject to the provisions of this act, make additional entry for and obtain patent to contiguous lands designated for entry under the provisions of this act, which, together with the area theretofore acquired under the homestead law, shall not exceed 640 acres, on proof of the expenditure required by this act on account of permanent improvements upon the additional entry.

Section 6. That any person who is the head of a family, or who has arrived at the age of 21 years and is a citizen of the United States, who has entered or acquired under the homestead laws, prior to the passage of this act, lands of the character described in this act, the area of which is less than 640 acres, and who is unable to exercise the right of additional entry herein conferred because no lands subject to entry under this act adjoin the tract so entered or acquired or lie within the twenty-mile limit provided for in this act, may, upon submitting proof that he resides upon and has not sold the land so entered or acquired and against which land there are no encumbrances, relinquish or reconvey to the United States the land so occupied, entered, or acquired, and in lieu thereof, within the same land office district, may enter and acquire title to 640 acres of the land subject to entry under this act, but must show compliance with all the provisions of this act respecting the new entry and with all the provisions of existing homestead laws except as modified herein.

Section 7. That the commutation provisions of the homestead laws shall not apply to any entries made under this act.

Section 8. That any homestead entryman or patentee who shall be entitled to additional entry under this act shall have, for ninety days after the designation of lands subject to entry under the provisions of this act and contiguous to those entered or owned and occupied by him; the preferential right to make additional entry as provided in this act: Provided, that where such lands contiguous to the lands of two or more entrymen or patentees entitled to additional entries under this section are not sufficient in area to enable such entrymen to secure by additional entry the maximum amounts to which they are entitled, the secretary of the interior is authorized to make an equitable division of the lands among the several entrymen or patentees, applying to exercise preferential rights, such divisions to be in tracts of not less than forty acres, or other legal subdivision, and so made as to equalize as nearly as possible the area which such entrymen and patentees will acquire by adding the tracts embraced in additional entries to the lands originally held or owned by them: Provided further, that where but one such tract of vacant land may adjoin the lands of two or more entrymen or patentees entitled to exercise preferential right hereunder, the tract in question may be entered by the person who first submits to the local land office his application to exercise said preferential right.

Section 9. That all entries made and patents issued under the provisions of this act shall be subject to and contain a reservation to the United States of all the coal and other mineral lands so entered and patented, together with the right to prospect for, mine, and remove the same. The coal and other mineral deposits in such lands shall be subject to disposal by the United States in accordance with the provisions of the coal and mineral land laws in force at the time of such disposal. Any person qualified to locate and enter the coal or other mineral deposits, or having the right to mine and remove the same under the laws of the United States, shall have the right at all times to enter upon the lands entered or patented, as provided by this act, for the purpose of prospecting for coal or other mineral therein, provided he shall not injure, damage or destroy the permanent improvements of the entryman or patentee, and shall be liable to and shall compensate the entryman or patentee for all damages to the crops on such lands by reason of such prospecting. Any person who has acquired from the United States the coal or other mineral deposits in any such land or the right to mine and remove the same, may re-enter and occupy so much of the surface thereof as may be required for all purposes reasonably incident to the mining or removal of the coal or other minerals, first, upon securing the written consent or waiver of the homestead entryman or patentee; second, upon payment of the damages to crops or other tangible improvements to the owner thereof, where agreement may be had as to the amount thereof; or, third, in lieu of either of the foregoing provisions, upon the execution of a good and sufficient bond or undertaking to the United States for the use and benefit of the entryman or owner of the land, to secure the payment of such damages to the crops or tangible improvements of the entryman or owner, as may be determined and fixed in an action brought upon the bond or undertaking against the principal and sureties thereon, such bond or undertaking to be in form and in accordance with rules and regulations prescribed by the secretary of the interior and to be filed with and approved by the register and receiver of the local land office of the district wherein the land is situate, subject to appeal to the commissioner of the general land office: Provided, That all patents issued for the coal or other mineral deposits herein reserved shall contain appropriate notations declaring them to be subject to the provisions of this act with reference to the disposition, occupancy and use of the land as permitted to an entryman under this act.

Section 10. That lands containing water holes or other bodies of water needed or used by the public for watering purposes shall not be designated under this act, but may be reserved under the provisions of the act of June 25, 1910, and such lands heretofore reserved shall, while so reserved, be kept and held open to the public use for such purposes under such general rules and regulations as the secretary of the interior may prescribe: Provided, That the secretary may, in his discretion, also withdraw from entry lands necessary to insure access by the public to watering places reserved hereunder and needed for use in the movement of stock to summer and winter ranges or to shipping points, and may prescribe such rules and regulations as may be necessary for the proper administration and use of such lands. Provided further, That such driveways shall not be of greater number or width than shall be clearly necessary

THREE INCHES

OF SNOW

After threatening for some days, the weather turned warmer Saturday and about four o'clock snow began falling, continuing into the night. About three inches of the beautiful covered the ground on Sunday morning. More pleasant weather reigned the first of the week. Today it is threatening snow, with storms in the mountains.

Proximo Enlace

El miércoles de la semana que entra, día 10 de Enero, a las 8 de la mañana, en la parroquia del Manzano, serán unidos en lazos de flores, por el sacramento de matrimonio, la simpática señorita Ermela Sisneros, de Abo, N. M., con el joven Fidel Lopez, del mismo lugar. Ambos contrayentes pertenecen a muy respetables familias de aquella comunidad. En honor del enlace y para celebrarlo, después de la ceremonia, en la residencia de los primeros en Abo, se dará una recepción, y en la noche, en la sala de la Unión Protectora se tendrá un lucido baile. Ofrecemos, de antemano a los dichosos jóvenes y a sus familias, muy sinceras congratulaciones.

Sunday School Officers

At the annual election of officers of the Sunday School last Sunday, those present took advantage of the absence of the editor, who was nursing a case of grip, and elected him superintendent of the school. C. L. Burt was chosen assistant, so that we are assured good support. Miss Bernice Orme was elected secretary-treasurer and Miss Lois Hollon pianist.

During the past year Mr. Putsch has given the school faithful service as superintendent, but his transfer to the Tijeras Ranger Station necessitated his severing his connection with the school, much to the sorrow of all.

While the attendance in the school has been good, it ought be better, and quite a few of our people might well resolve to attend the Sunday School regularly during the year 1917 and then do it.

Real Estate Transfers

Abo Land Co. to W. W. Slack, lot 4, block 31, Mountainair.

Abo Land Co. to Goldie Bruner, lot 2, block 32, Mountainair.

Abo Land Co. to Gladys Bruner, lot 3, block 32, Mountainair.

J. S. Doer et ux. to Mountainair State Bank, lot in block 24, Mountainair.

Ysabel Maestas et ux. to K. Tabet & Bro. land in Manzano Grant.

Preaching Services

Cedar Grove, 1st Sunday at 11 a. m. Liberty, 2d Sunday at 11 a. m. Round-top, 3d Sunday, 11 a. m. Mesa School-house, 4th Sunday, 11 a. m.

W. D. Garrison, Pastor.

for the purpose proposed, and in no event shall be more than one mile in width for a driveway less than twenty miles in length, not more than two miles in width for driveways over twenty and not more than thirty-five miles in length, and not over five miles in width for driveways over thirty-five miles in length. Provided further, That all stock so transported over such driveways shall be moved an average of not less than three miles per day for sheep and goats and an average of not less than six miles per day for cattle and horses.

Section 21. That the Secretary of the interior is hereby authorized to make all necessary rules and regulations in harmony with the provisions of this act for the purpose of carrying the same into effect.

Public School Honor Roll

Miss Alice Hoyland, Teacher

Andy Scroggins Joe East
Bessie Mirabal Dora Elsie Ladd
Thelma Wood

Per cent of Attendance 95.

Mrs. Ruth C. McNeese

Luther Bullington Ruby Scroggins
Caryl Hollon Ruth Speckmann
Henry Brown Wesley Wood
Agnes Teague Ruth East
Nadean Waggoner May Dyer
Herald Scroggins Jeff Shaw

Per cent. of Attendance 93.

Mrs. J. E. Veal

Mildred Shaffer Donald Shaffer
Mike Shaw Oral Hollon
Veda Cooper Lorene Dyer
Mary Lee Colter Oasy Roberson
Johnnie Gentry

Per cent. of Attendance 98.

High School

James Bryan Rebecca Bryan
Hazel Doyle Marion McKinley
Lois Hollon Cecil Cooper
Ruby McKinley

Per cent. of Attendance 98.

Monthly average of school 96.

Term average of school to date 95.

On Tuesday of this week the schools received very pleasant visits from J. J. Contreras, Miss Ermela Sisneros and E. S. Contreras of Abo. J. J. Contreras is principal of the Abo schools.

The total enrollment of the Mountainair schools to date is 143.

The Board of Education met in the Director's Room of the School Building on Tuesday morning.

The new students who have entered this week are: Vester Shaw, from Lubbock, Texas, High School. Gladys Baldwin, Vincennes, Ind., 8th grade. Ernest Baldwin, Vincennes, Ind., 7th grade. Willie Bussey, Ft. Sumner, N. M., 4th grade. Felipe Mirabal, Punta de Agua, N. M., 5th grade. Pat Shaw, Lubbock, Texas, 1st grade. Dennis Shaw, Lubbock, Texas, 1st grade. Montgomery Bussey, Ft. Sumner, N. M., 2d grade. Deroy Day, 1st grade.

Old students who have returned to school are: Chester Perkins, 7th grade. Estelle Copeland, 4th grade. Mozelle Copeland, 4th grade. Shirley Copeland, 2d grade. Robert McGuire, 2d grade. Ernest McGuire, 1st grade.

Storey-Blevins

On Tuesday of last week, Miss Leah Storey and Hanson Blevins stole a march on their friends by slipping off to Estancia, where they secured the necessary papers at the County Clerk's office and were joined in matrimony. They were accompanied by Miss Osa Robinson and Mr. Mooney, who acted as witnesses to the ceremony and Miss Leona Storey and Walter Storey, sister and brother of the bride. The bride is a daughter of W. L. Storey of this place, while the groom holds a responsible position at Rincon, N. M. The Independent joins numerous friends in wishing them a long and happy married life.

Woodward Popular at Socorro

Principal Bert G. Woodward of the Mountainair schools, who has been the guest of Socorro friends during the holiday vacation, expects to leave tomorrow afternoon to resume his duties on Monday morning. During his stay in Socorro Prof. Woodward was the recipient of much social attention which is only another evidence of the esteem in which he is held by the people among whom he resided for two years. Among a number of entertainments given in his honor during the week were a Christmas dinner and bridge party by Dr. and Mrs. C. G. Duncan, dinner by Mrs. Ada Lougee; bridge party by Mrs. A. X. Illinski on Thursday night, and more bridge on Saturday night by Mrs. John E. Griffith. Dainty, delectable eats were served on the occasion of each bridge party.—Socorro Chieftain.

NEW MEXICO

IN 9th FEDERAL LOAN DISTRICT

New Mexico will be in the ninth federal loan district, the headquarters of the district being at Wichita, Kansas. There were not less than 75 cities making application to be named as headquarters for the twelve districts. The ninth district is composed of the states of Oklahoma, Kansas, Colorado and New Mexico. The banks will be established as soon as practicable. Each bank will have an authorized capital of \$750,000.

Farm Loan Organization

We have been asked to announce a meeting of those interested in organizing a Federal Farm Loan Association at the schoolhouse on Saturday afternoon, January 6th, at 4 o'clock. All interested in this matter are urged to be present that the necessary steps may be taken to get the organization under way.

Work on Building is Rushed

The new bank building is now weatherboarded, and carpenters are working on the roof. The structure will be bungalow style, with plenty of light on the south, east and north. The adding machine for the bank has arrived at the local freight office. Mr. Burton came over from Estancia Monday and left almost immediately for the east to secure the safe for the bank.

Garage under Way

The building being erected by J. A. Beal for a garage is about enclosed, the roof being put on, as the weather will permit. The building will be 20x80 of frame with shingle roof. Contractor Moore is in charge of the work.

Buys Out Partner

J. J. White has purchased the holding of Jas. H. Rhoades in the Mountainair Lumber Company and will continue the business under the old name and at the old stand. Mr. Rhoades, who has been instrumental in the organization of the Mountainair State Bank will give his time and attention to the banking business.

Cedar Grove

Mrs. A. J. Furman is slowly improving at this writing.

Cedar Grove school resumed duties Tuesday, after a weeks vacation.

Jo Medley and family spent the first of the week with relatives near town.

Mr. Bussle has dug a well and struck plenty of water at a depth of 60 feet.

Mrs. Coffey has been very sick the past week but is better at this writing.

Luther Morris and family will occupy the Morrison place the present year.

A good snow was welcomed in this vicinity, last week after so much wind and dust.

Rufus Sellers returned from Albuquerque, Sunday night. Mrs. Sellers will remain several days for the purpose of having dental work done.

Rev. Garrison will conduct services at Cedar Grove next Sunday, at 11 a. m. Sickness prevented his filling his appointment before. Everybody cordially invited.

Ward has been received of the death of R. W. McCombs, in Joplin, Missouri, from injuries received from the explosion of a steam pipe. Mr. McCombs was a former resident of Cedar Grove.